

AMENDED IN ASSEMBLY AUGUST 20, 2001

AMENDED IN ASSEMBLY JULY 17, 2001

AMENDED IN ASSEMBLY JUNE 29, 2001

AMENDED IN ASSEMBLY MAY 24, 2001

AMENDED IN ASSEMBLY APRIL 30, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL**No. 359**

Introduced by Assembly Member Cardoza

February 16, 2001

An act to add Section 115928 to, and to add and repeal Section 115928.1 of, the Health and Safety Code, relating to water safety, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 359, as amended, Cardoza. Pool and spa safety: suction devices.

Existing law establishes the Swimming Pool Safety Act, which makes provision for various safety requirements for swimming pools and spas.

This bill would provide that, commencing July 1, 2002, whenever a construction permit is issued for construction of a new swimming pool or spa, the suction outlet of the pool or spa for which the permit is issued shall be equipped with certain safety features. The bill would make these provisions operative only if the State Department of Health Services, on or before July 1, 2002, fails to adopt, *or the California*

Building Standards Commission fails to approve, emergency regulations required to be adopted pursuant to the bill that provide standards for protection against entrapment in swimming pools and spas.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 115928 is added to the Health and
2 Safety Code, to read:

3 115928. (a) Commencing July 1, 2002, whenever a
4 construction permit is issued for construction of a new swimming
5 pool or spa, the suction outlet of the pool or spa for which the
6 permit is issued shall be equipped to provide circulation
7 throughout the pool or spa as prescribed by this section.

8 (b) Any single outlet system, such as an automatic vacuum
9 cleaner system, or any multiple suction outlets, whether isolated
10 by valves or otherwise, shall be equipped to protect against user
11 entrapment, as follows:

12 (1) With the exception of surface skimmers, any pool or spa
13 suction outlet shall be equipped with a drain grate that meets
14 specifications of the American and National Standards Institute
15 and the American Society of Mechanical Engineers (ANSI/ASME
16 A1 12.19.8M), a drain grate that is at least 12 inches by 12 inches
17 in diameter, or a channel drain system approved by the county.

18 (2) Any pool single or multiple outlet circulation system shall
19 be equipped with a safety vacuum release system that includes at
20 least one of the following engineered methods that comply with
21 standards as recognized by the professional entities specified in
22 subdivision (g):

23 (A) An automatic safety vacuum release system certified by a
24 testing agency recognized by the professional entities specified in
25 subdivision (g).

26 (B) Vent piping. For purposes of this subparagraph, vent piping
27 means a nonmechanical device having no moving parts that is a
28 premanufactured assembly incorporating internal geometrics to
29 limit the applied suction at the related suction outlet to five feet of



1 hydrostatic head regardless of system operating parameters, such
2 as pump horsepower, pipe size, or pump elevation. The vent piping
3 systems shall be certified by a testing agency recognized by the
4 professional entities specified in subdivision (g).

5 (C) A piping arrangement where the suction outlet piping is
6 allowed to flow into a receiver vessel by gravity where the
7 draindown depth of the receiving vessel is limited to not greater
8 than five feet of head measured from the pool's water surface. The
9 gravity drainage system shall be certified by a testing agency
10 recognized by the professional entities specified in subdivision
11 (g).

12 (c) Any single or multiple pump circulation system shall be
13 provided with a minimum of two suction outlets that meet the
14 specifications of the American and National Standards Institute
15 and the American Society of Mechanical Engineers (ANSI/ASME
16 A1 12.19.8M).

17 (d) Each suction outlet shall be separated from any other
18 suction outlet by a minimum vertical or horizontal distance of
19 three feet.

20 (e) Each suction outlet shall be piped so that water is drawn
21 through it and through the pump or pumps simultaneously through
22 a vacuum relief protected line.

23 (f) Any vacuum or pressure cleaner fitting shall be located in
24 an accessible position at least six inches, and not more than 12
25 inches, below the minimum operational water level, or as an
26 attachment to any skimmer.

27 (g) For purposes of this section, professional entities shall
28 include, but shall not be limited to, all of the following:

- 29 (1) The American Society for Testing and Materials.
30 (2) The International Association of Plumbing and Mechanical
31 Officials.
32 (3) The National Sanitation Foundation.
33 (4) The American Society of Mechanical Engineers.
34 (5) The American National Standards Institute.

35 (h) This section shall become operative on July 1, 2002.

36 SEC. 2. Section 115928.1 is added to the Health and Safety
37 Code, to read:

38 115928.1. (a) On or before July 1, 2002, the State
39 Department of Health Services shall adopt emergency regulations,
40 in accordance with Section 11346.1 of the Government Code, that

1 ~~provide standards for protection against entrapment in swimming~~
2 ~~pools and spas regulations that provide standards for protection~~
3 ~~against entrapment in swimming pools and spas. These~~
4 ~~regulations shall be consistent with the standards contained in~~
5 ~~“Guidelines for Addressing Potential Entrapment Hazards~~
6 ~~Associated with Swimming Pools and Spas,” a publication of the~~
7 ~~United States Consumer Products Safety Commission. These~~
8 ~~regulations shall be subject to the review and approval of the~~
9 ~~California Building Standards Commission, and shall be initially~~
10 ~~adopted as emergency regulations in accordance with Section~~
11 ~~11346.1 of the Government Code. The adoption of emergency~~
12 ~~regulations shall be deemed to be an emergency and necessary for~~
13 ~~the immediate preservation of the public peace, health and safety,~~
14 ~~or general welfare.~~

15 (b) This section shall become inoperative and is repealed on
16 July 1, 2002, if the State Department of Health Services ~~does not~~
17 ~~comply with~~ *has not adopted, or the California Building*
18 *Standards Commission has not approved, emergency regulations*
19 *pursuant to subdivision (a).*

20 SEC. 3. Section 115928 of the Health and Safety Code shall
21 become operative only if the State Department of Health Services
22 fails to adopt, *or the California Building Standards Commission*
23 *fails to approve,* emergency regulations in accordance with
24 Section 115928.1 of the Health and Safety Code.

25 SEC. 4. This act is an urgency statute necessary for the
26 immediate preservation of the public peace, health, or safety
27 within the meaning of Article IV of the Constitution and shall go
28 into immediate effect. The facts constituting the necessity are:

29 In order to protect the health and safety of Californians utilizing
30 swimming pools and spas and prevent serious injury or death, as
31 soon as possible, it is necessary that this act take effect
32 immediately.